IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3546 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KANTABEN BABUBHAI PATEL

Versus

VH SHAH OR HIS SUCCESSOR IN OFFICE

Appearance:

1. Special Civil Application No. 3546 of 1997

MR PK JANI for Petitioner No. 1

MR L B DABHI AGP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 30/11/2004

ORAL JUDGEMENT

1. The petitioner by way of this petition has challenged the order dated 30/04/1997, at Annexure-G to the petition, passed by the Director of Municipality, Gujarat State, whereby the petitioner was disqualified from contesting elections by exercising powers u/s.37 of the Gujarat Municipalities Act.

2. While admitting the matter, on 05/05/1997 this Court had directed the parties to maintain status quo as on that day. Since then, the petitioner has continued to work in the capacity of a President of the Municipality.

3. Now, since the term of the Municipality is already over, the order of the Director of Municipality, at Annexure-G to the petition, cannot be implemented. In that view of the matter, Mr.P K Jani for the petitioner is not pressing this petition, as it has become infructuous.

4. Hence, the petition is disposed of having become infructuous. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated. Liberty to apply afresh in case of difficulty.

(K. S. Jhaveri, J.)

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